

Notice of Allowability

Application No.

09/870,845

Examiner

JAGDISH N. PATEL

Applicant(s)

WAE LBROECK ET AL.

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3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/25/07.
2. ☒ The allowed claim(s) is/are 57-61 and 72.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>See Continuation Sheet</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 4/2/08, 3/26/08, 11/5/07, 10/25/07.

DETAILED ACTION

1. This communication is in response to amendment filed 6/25/07.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven D. Underwood, Reg. No. 47,205 on April 09, 2008.

The application has been amended as follows:

A. Please delete the Abstract in the subject application and replace it with the Abstract provided below:

Abstract

Preferred embodiments of the subject invention comprise the steps of: (a) electronically receiving first participant information, said first participant information including a first order having a first price and a first size; (b) electronically receiving a second order having a second price and a second size from a second participant; (c) executing said second order against said first order if said first price matches said second price and said first size matches said

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second size, and if said first participant information indicates that said first order is exposed to immediate matching against incoming orders; and (d) executing randomly-timed match check events wherein other orders are matched against the first order if said first price and said first size match prices and sizes of said other orders and if said first participant information indicates that said first order is to be exposed to randomly-timed match check events.

B. Please amend claim 57 as follows:

A method comprising the steps of:

(a) electronically receiving first participant information from a first market participant computer, said first participant information including a first order having a first price and a first size and indicating:

(i) whether said first order is exposed to randomly-timed match check events;

(ii) whether said first order is exposed to immediate execution against orders entered independently on the contra side;

(iii) whether said first order is exposed to immediate execution against orders entered in response to notification of said first order;

(b) electronically storing said first participant information;

(c) electronically receiving a second order having a second price and a second size from a second participant;

(d) executing said second order against said first order if said first price matches said second price and said first size matches said second size, and if said first participant information indicates that said first order is exposed to immediate matching against incoming orders; and

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(e) executing randomly-timed match check events wherein orders other than said first order, electronically received from market participant computers different from said first market participant's computer and electronically stored in a computer readable medium, are matched against the first order if said first price and said first size match prices and sizes of said orders other than said first order and if said first participant information indicates that said first order is to be exposed to randomly-timed match check events.

Allowable Subject Matter

2. Claims 57-61 and 72 are allowed.
3. The following is an examiner's statement of reasons for allowance:
4. The subject invention concerns trading of financial securities and in particular carrying out trading using a randomly-timed matching events.

Prior art references are known which teach method and system of matching security trade orders based upon a predetermined criteria. A prior art patent reference disclosed by Lupien (US Pat. 5950177) is deemed most relevant to the instant allowed claimed inventions. Lupien teaches a crossing network that matches buy and sell orders based upon a satisfaction and quantity profile is disclosed. The orders are entered in the form of a satisfaction density profile that represents a degree of satisfaction to trade a particular instrument at various (price, quantity) combinations. A matching controller computer receives as input the satisfaction density profiles entered at each one of the trading terminals operated by traders. The matching controller computer matches orders (as represented by each trader's satisfaction density profile) so that each trader is assured that the overall outcome of the process (in terms of average price and size of fill) has maximized the mutual satisfaction of all traders. Lupien to crossing networks such as Match Market Exchange (MMX) operated

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by the Chicago Stock Exchange. All matched orders are executed at a random time within a predetermined time window.

However, the prior art fails to teach, suggest or render obvious a method of matching orders for security trading wherein a (first) market participant specifies a first order having a price and a first size and the order indicates at least whether the first order is exposed to randomly-timed match check events (random matching) and if so executing randomly-timed match check events wherein at such matching events, other orders are matched against the first order if the first price and the first size match prices and sizes of other orders. This is in contrast to Lupien's teaching that the Match Market Exchange (MMX) executes all matched orders at a random time within a predetermined ten minute window at the market time at such time.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693

4/29/08